

BNP Defendants¹

Hearing Date: TBD
Objection Deadline: Mar. 26, 2020
Reply Deadline: May 26, 2020

Other Defendants

Hearing Date: Feb. 11, 2020
Objection Deadline: Feb. 4, 2020
Reply Deadline: Feb. 8, 2020 4:00 PM

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re:

FAIRFIELD SENTRY LIMITED, et al.,

Debtor in Foreign
Proceedings.

Chapter 15 Case

Case No. 10-13164 (SMB)

Jointly Administered

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

THEODOOR GGC AMSTERDAM, et al.,

Defendants.

Adv. Pro. No. 10-03496 (SMB)

Administratively Consolidated

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

MERRILL LYNCH, PIERCE, FENNER &
SMITH, INC., et al.,

Defendants.

Adv. Pro. No. 10-03516 (SMB)

¹ As defined in the accompanying Memorandum of Law.

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

CITIBANK NA LONDON, et al.,

Defendants.

Adv. Pro. No. 10-03622 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BGL BNP PARIBAS S.A., et al.,

Defendants.

Adv. Pro. No. 10-03626 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS SECURITIES SERVICES
LUXEMBOURG, et al.,

Defendants.

Adv. Pro. No. 10-03627 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ROBINSON & CO., et al.,

Defendants.

Adv. Pro. No. 10-03628 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

HSBC SECURITIES SERVICES
(LUXEMBOURG) S.A., et al.,

Defendants.

Adv. Pro. No. 10-03630 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

HSBC PRIVATE BANK (SUISSE) SA, et al.,

Defendants.

Adv. Pro. No. 10-03633 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ZURICH CAPITAL MARKETS CO., et al.,

Defendants.

Adv. Pro. No. 10-03634 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,

Defendants.

Adv. Pro. No. 10-03635 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO SCHWEIZ AG, et al.,

Defendants.

Adv. Pro. No. 10-03636 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

CITIBANK (SWITZERLAND) AG, et al.,

Defendants.

Adv. Pro. No. 10-03640 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

ABN AMRO RETAINED NOMINEES
(IOM) LIMITED, et al.,

Defendants.

Adv. Pro. No. 10-03776 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

UBS AG NEW YORK, et al.,

Defendants.

Adv. Pro. No. 10-03780 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

MERRILL LYNCH BANK (SUISSE) SA,
et al.,

Defendants.

Adv. Pro. No. 10-03788 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

UBS FUND SERVICES (CAYMAN) LTD.,
et al.,

Defendants.

Adv. Pro. No. 10-04095 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS ARBITRAGE SNC, et al.,

Defendants.

Adv. Pro. No. 10-04098 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS PRIVATE BANK & TRUST
CAYMAN LTD., et al.,

Defendants.

Adv. Pro. No. 10-04099 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

FS/FORTIS BANQUE LUXEMBOURG,
et al.,

Defendants.

Adv. Pro. No. 11-01242 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

UBS EUROPE SE LUXEMBOURG
BRANCH, et al.,

Defendants.

Adv. Pro. No. 11-01250 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

UBS FUND SERVICES (IRELAND) LTD.,
et al.,

Defendants.

Adv. Pro. No. 11-01258 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

MERRILL LYNCH INTERNATIONAL,
et al.,

Defendants.

Adv. Pro. No. 11-01463 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS SECURITIES NOMINEES
LTD., et al.,

Defendants.

Adv. Pro. No. 11-01579 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

FORTIS BANK NEDERLAND NV, et al.,

Defendants.

Adv. Pro. No. 11-01614 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

FORTIS BANK, SA/NV, et al.,

Defendants.

Adv. Pro. No. 11-01617 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

FORTIS GLOBAL CUSTODY SERVS. N.V.,
et al.,

Defendants.

Adv. Pro. No. 11-02422 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

CITIGROUP GLOBAL MARKETS LTD.,
et al.,

Defendants.

Adv. Pro. No. 11-02770 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

BNP PARIBAS ESPANA, et al.,

Defendants.

Adv. Pro. No. 12- 01551 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

SOMERS NOMINEES (FAR EAST) LTD.,
et al.,

Defendants.

Adv. Pro. No. 12-01556 (SMB)

FAIRFIELD SENTRY LTD. (IN
LIQUIDATION), et al.,

Plaintiffs,

v.

FORTIS GLOBAL SERVS. NV, et al.,

Defendants.

Adv. Pro. No. 12-01568 (SMB)

**NOTICE OF MOTION OF THE
FOREIGN REPRESENTATIVES FOR LEAVE TO FILE THE
FURTHER PROPOSED AMENDED COMPLAINTS IN THE KNOWLEDGE ACTIONS**

PLEASE TAKE NOTICE that Kenneth M. Krys and Greig Mitchell (together, the “Liquidators” or “Foreign Representatives”), in their capacities as the duly appointed Liquidators and Foreign Representatives of Fairfield Sentry Limited (In Liquidation) (“Sentry”), Fairfield Sigma Limited (In Liquidation) (“Sigma”), and Fairfield Lambda Limited (In Liquidation) (“Lambda” and, collectively with Sentry and Sigma, the “Funds”) in these consolidated adversary proceedings (the “U.S. Redeemer Actions”), on a date to be determined for the BNP Defendants and on February 11, 2020, for other Defendants, shall move this Court before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, Southern District of New York, Courtroom 723, One Bowling Green, New York, New York 10004, for an Order pursuant to Fed. R. Civ. P. 15(a)(2) granting leave to the Foreign Representatives to file the further proposed amended complaints (the “Further Proposed Amended Complaints”) in the subset of adversary proceedings captioned above (the “Knowledge Actions”) upon the accompanying Memorandum of Law, Declaration of David Elsberg, dated January 15, 2020, and all exhibits thereto. A draft order to that effect is attached herein as **Exhibit 1**.

PLEASE TAKE FURTHER NOTICE that the Foreign Representatives are providing notice of this Motion in accordance with the service provisions set forth in the Case Management Order (Dkt. 467) entered on May 16, 2012 in the *Fairfield* action.

PLEASE TAKE FURTHER NOTICE that oppositions, if any, are to be served upon the undersigned by no later than February 4, 2020, unless otherwise ordered by the Court.

Dated: New York, NY
January 15, 2020

Respectfully submitted,

SELENDY & GAY PLLC

By: /s/ David Elsberg

SELENDY & GAY PLLC

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